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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,133	06/19/1998	DOUGLAS W. CONMY	52817.000013	8229

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EXAMINER

NORMAN, MARC E

ART UNIT PAPER NUMBER

2163

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

176

Advisory Action

Application No.

09/100,133

Applicant(s)

CONMY ET AL.

Examiner

Marc E. Norman

Art Unit

2163

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 November 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: As per claim 1, Applicant argues that neither Hotaling nor Buhrmann teach or suggest motivation for "automatically updating the invitee's profile based on the invitee's response to the invitation." Applicant further argues that the invention must be considered as a whole and that the invention does more than merely provide an automatic means to replace a manual activity. Applicant lists several of elements of the invention including a database, request generating means, busy time determination means, etc. Accordingly, Applicant argues, In re. Venner does not apply to the present case. Finally, Applicant argues that the result is different in that in Applicant's invention the profile is always updated each time person accepts an invitation.

The Examiner disagrees. As discussed in paper # 16, the combination of Hotaling and Buhrmann teaches all elements of Applicant's invention except that Buhrmann teaches the updating being performed manually as opposed to automatically. The Examiner reiterates that In re. Venner is applicable since merely providing an automatic means to replace a manual activity which accomplishes the same result (i.e., updating the profile) is not sufficient to distinguish over the prior art. Examiner submits that the invention as a whole was considered. As laid out in the prior Office Actions, the combination of Hotaling and Buhrmann teaches the rest of the elements of Applicant's invention. Accordingly, In re. Venner was simply applied within this overall context regarding a particular element of the overall invention. The Examiner also disagrees that the result is different in any manner that is patently significant. According to the embodiment of Buhrmann (column 7, lines 55-67), the user is queried each time the user updates schedule data. Accordingly, it would be an obvious scenario that the user would update the profile every time an invitation is accepted.